

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RYAN LEWIS,

§

Plaintiff,

§

v.

1:17-CV-1162-RP

U.S. BANK, NATIONAL ASSOCIATION,
as Trustee, successor in interest to Bank of America,
NA as Trustee, successor by merger to La Salle Bank
NA, as Trustee for Merrill Lynch Mortgage Investors
Trust, Mortgage Loan Asset-Backed Certificates,
Series 2006-RMI,

§

Defendant.

§

ORDER

This suit was filed on December 13, 2017. U.S. Bank, National Association (“Defendant”) subsequently filed a Motion to Dismiss for Failure to State a Claim, (Dkt. 6), which was referred to United States Magistrate Judge Mark Lane for a recommendation on the merits. Currently before this Court is the magistrate judge’s report and recommendation, which recommends that Defendant’s Motion to Dismiss be granted and that Plaintiff’s claims be dismissed without prejudice. (R. & R., Dkt. 17, at 6).

The report and recommendation at issue was filed on July 3, 2018. (*Id.*) Objections were therefore due on or before July 17, 2018. *See* Fed. R. Civ. P. 72(b)(2) (setting a 14-day deadline for responding to a magistrate judge’s proposed findings and recommendations). No objections were received.

Where, as here, no party has timely objected to the magistrate judge’s findings, the Court reviews the report and recommendation for clear error. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the magistrate judge’s report and

recommendation. The Court finds that the magistrate judge's conclusion and recommendation are neither clearly erroneous nor contrary to law.

For the reasons given, the Court hereby **ADOPTS** the magistrate judge's report and recommendation, (Dkt. 17), as the opinion of the Court. Defendant's Motion to Dismiss for Failure to State a Claim, (Dkt. 6), is **GRANTED**. Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.

SIGNED on July 23, 2018.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE